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BEFORE THE ARIZONA CORPORATION
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COMMISSIONERS

BOB STUMP - Chairman
GARY PIERCE
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2014 FEB 11 A 10: 25

AZ CORP COMMISSION
DOCKET CONTROL

Arizona Corporation Commission

DOCKETED

FEB 11 2014

DOCKETED BY

DOCKET NO. W-02312A-13-0326

IN THE MATTER OF THE APPLICATION OF
PRESIDIO TRAILS DEVELOPMENT, LLC AND
HALCYON ACRES ANNEX NO. 2 WATER
COMPANY, INC. FOR DELETION OF PRESIDIO
TRAILS DEVELOPMENT, LLC'S PROJECT
FROM HALCYON ACRES ANNEX NO. 2
WATER COMPANY, INC.'S CERTIFICATE OF
CONVENIENCE AND NECESSITY.

PROCEDURAL ORDER
(Joinder and Lifting Stay)

ORIGINAL

BY THE COMMISSION:

On September 20, 2013, Presidio Trails Development, LLC ("Presidio") filed with the Arizona Corporation Commission ("Commission") an application to have Presidio's development project ("Project") deleted from Halcyon Acres Annex No. 2 Water Company, Inc.'s ("Halcyon") Certificate of Convenience and Necessity ("CC&N") ("Application"). Presidio claimed that Halcyon was unable serve the Project, which is located within Halcyon's certificated area. Presidio noted the City of Tucson's water utility, Tucson Water, is willing to provide water service if the Commission permits the deletion. Halcyon was not a party to the Application.

On October 10, 2013, the Commission's Utilities Division ("Staff") submitted a Notice of Case Status concluding that although Presidio's filing is styled as an application for deletion of territory, it is more in the nature of a complaint against Halcyon. Staff noted that Presidio and Halcyon had not brought the matter to the Commission in an informal complaint for mediation and recommended that the entities avail themselves of the process to try to resolve the dispute.

In its Response to Staff's Notice of Case Status docketed on October 15, 2013, Presidio disagreed with Staff's conclusion, but stated it would be willing to engage in mediation. Presidio suggested that this matter be stayed until the process is completed.

1 On October 22, 2013, Halcyon filed its Response to Presidio Trails Development, LLC's
2 October 15, 2013 Filing, stating it did not object to a stay pending completion of the mediation.

3 A Procedural Order filed October 29, 2013, stayed the proceedings in this docket and directed
4 Presidio to file a status update regarding the mediation's outcome.

5 On January 27, 2014, Presidio docketed its Status Update and Motion for Joinder of Halcyon
6 as Co-Applicant ("Motion"). Halcyon co-signed the Motion. Presidio stated that it and Halcyon had
7 resolved the issues between them and requested that Halcyon be joined with Presidio as a co-
8 applicant in this docket and moved to have the stay lifted.

9 Presidio's Motion is reasonable and should be granted.

10 IT IS THEREFORE ORDERED that the stay imposed by the October 29, 2013, Procedural
11 Order is lifted.

12 IT IS FURTHER ORDERED that Halcyon Acres Annex No. 2 Water Company, Inc. is joined
13 as a co-applicant to the Application.

14 IT IS FURTHER ORDERED that this matter shall be considered as a request by Halcyon
15 Acres Annex No. 2 Water Company, Inc. for deletion of a portion of its Certificate of Convenience
16 and Necessity.

17 IT IS FURTHER ORDERED that the *Ex Parte* Rule (A.A.C. R14-3-113 - Unauthorized
18 Communications) applies to this proceeding and shall remain in effect until the Commission's
19 Decision in this matter is final and non-appealable.

20 IT IS FURTHER ORDERED that all parties must comply with Rules 31 and 38 of the Rules
21 of the Arizona Supreme Court and A.R.S. § 40-243 with respect to practice of law and admission *pro*
22 *hac vice*.

23 IT IS FURTHER ORDERED that the time periods specified herein shall not be extended
24 pursuant to Rule 6(a) or (e) of the Arizona Rules of Civil Procedure.

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1 IT IS FURTHER ORDERED that the Administrative Law Judge may rescind, alter, amend,
2 or waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at
3 hearing.

4 DATED this 7th day of February, 2014.

5 
6 BELINDA A. MARTIN
ADMINISTRATIVE LAW JUDGE

7 Copies of the foregoing mailed
8 this 7th day of February, 2014, to:

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